

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

U.S. Bank N.A., successor in interest to the FDIC, as receiver
for Park National Bank,

Plaintiff,

vs

U Services, Inc.; United States of America, pursuant to
Federal Revenue Lien recorded as document number
0927426243; Illinois Department of Revenue, pursuant to
Tax Lien recorded as document number 0828926096;
Terrance Marshall

Defendants.

No. 15 cv 5814

MOTION FOR JUDGMENT OF FORECLOSURE AND SALE
AND JUDGMENT AS TO COUNT II OF PLAINTIFF'S FIRST AMENDED
COMPLAINT

Plaintiff, pursuant to the Federal Rules of Civil Procedure Rule 56(a), by its undersigned attorneys moves this court for a Judgment of Foreclosure and Sale, and for judgment as to Count II of Plaintiff's First Amended Complaint, which count seeks personal liability against the defendant, Terrance Marshall, under his guaranty, and in support thereof states as follows:

1. The plaintiff filed its Complaint to Foreclose a certain mortgage and the following named Defendants were personally served with summons on the date following their name:

- a. U Services Inc. – served August 5, 2015
- b. Terrance Marshall – served August 5, 2015
- c. Illinois Department of Revenue – served July 14, 2015

2. That on October 6, 2015 the plaintiff filed and served its First Amended Complaint on the defendants.

3. That in addition to seeking the foreclosure of mortgage, the plaintiff seeks judgment against the defendant, Terrance Marshall, in Count II as to his guaranty.

4. The time for said Defendants to file their answers or otherwise plead to the First Amended Complaint or to move in regard to said First Amended Complaint has now expired and that the following Defendants are in default for failure to enter their respective appearances or pleadings to the First Amended Complaint:

- a. U Services Inc.
- b. Terrance Marshall
- c. Illinois Department of Revenue

5. That the following Defendant has filed its answer or has otherwise plead to the First Amended Complaint, and based on the answer or pleadings filed by said Defendant, there appears to be no material issue of fact as to the issue of priority of the Plaintiff's claim:

United States of America, pursuant to Federal Revenue Lien recorded as document number 0927426243

6. Submitted herewith is the Affidavit of Glenn Debs, Vice-President for the Plaintiff, in which he states the amounts due and owing under the note and mortgage that is the subject matter of the First Amended Complaint, as well as to the default that occurred under the note and mortgage, as well as the guaranty.

7. There is no dispute as to the default by the defendant, U Services, Inc., under the terms of the note and mortgage, or the default under the guaranty by the defendant, Terrance Marshall.

8. Pursuant to the terms of the note and mortgage, the plaintiff is entitled to recovery of the attorneys' fees and costs incurred by it in enforcement of the mortgage. Simultaneously submitted with this motion is the affidavit of the attorney for the plaintiff setting for the fees and costs incurred by the plaintiff.

WHEREFORE, the plaintiff requests this court to enter a Judgment of Foreclosure and Sale as to the subject mortgage, property and parties, as well as judgment in favor of the plaintiff and against the defendant, Terrance Marshall, as to Count II of the First Amended Complaint.

Plaintiff,
U.S. Bank N.A.

BY: /s/ Robert L. Pattullo Jr.
One of Its Attorneys

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